

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 319

# HOUSE BILL 2338

AN ACT

AMENDING SECTIONS 12-267 AND 31-466, ARIZONA REVISED STATUTES; AMENDING TITLE 31, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.1; AMENDING SECTION 41-2407, ARIZONA REVISED STATUTES; RELATING TO PROBATION AND PAROLE.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-267, Arizona Revised Statutes, is amended to  
3 read:

4 12-267. Adult probation services fund; accounts; expenditure  
5 plan; use

6 A. The board of supervisors shall designate a chief fiscal officer who  
7 shall establish and administer an adult probation services fund consisting  
8 of:

9 1. County general fund appropriations for adult probation.

10 2. State appropriations for adult probation including:

11 (a) Monies for adult probation officers authorized by article 6 of  
12 this chapter.

13 (b) Monies for state aid for adult probation services authorized by  
14 this article.

15 (c) Monies for adult community punishment programs established  
16 pursuant to article 11 of this chapter.

17 (d) Monies for adult intensive probation pursuant to title 13, chapter  
18 9.

19 3. Probation fees collected pursuant to section 13-901.

20 4. Federal monies provided for adult probation.

21 5. Adult probation monies from any other source.

22 B. The chief fiscal officer shall establish and maintain separate  
23 accounts in the fund showing receipts and expenditures of monies from each  
24 source listed in subsection A of this section. The presiding judge of the  
25 superior court shall annually present to the board of supervisors for  
26 approval a detailed expenditure plan for the adult probation services fund  
27 accounts. Any modifications to the expenditure plan affecting state  
28 appropriations shall be made in accordance with the rules and procedures  
29 established by the supreme court. Any modifications to the expenditure plan  
30 affecting county appropriated funds shall be made in accordance with the  
31 policies established by the county. The chief fiscal officer shall disburse  
32 monies from the fund accounts only at the direction of the presiding judge  
33 of the superior court. The chief fiscal officer of each county shall, on or  
34 before August 31 of each year for the preceding fiscal year, submit an annual  
35 report to the supreme court showing the total amount of receipts and  
36 expenditures in each account of the adult probation services fund.

37 C. The state monies in the adult probation services fund shall be used  
38 in accordance with guidelines established by the supreme court or the  
39 granting authority.

40 D. State monies expended from the adult probation services fund shall  
41 be used to supplement, not supplant, county appropriations for the superior  
42 court adult probation department.

43 E. UP TO TWENTY-FIVE THOUSAND DOLLARS ANNUALLY DEPOSITED IN THE ADULT  
44 PROBATION SERVICES FUND SHALL BE USED TO PAY THE ANNUAL ASSESSMENT ON MEMBER

1 STATES OF THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS  
2 ESTABLISHED IN SECTION 31-467, SUBSECTION B.

3 ~~E.~~ F. County monies in the adult probation services fund shall be  
4 used in accordance with the fiscal policies and procedures established by the  
5 board of supervisors.

6 Sec 2. Section 31-466, Arizona Revised Statutes, is amended to read:  
7 31-466. Supervision fee; deposit

8 A. A person being supervised in this state pursuant to this article  
9 shall pay, as a condition of probation or parole, a monthly supervision fee  
10 of not less than thirty dollars unless, after determining the inability of  
11 the person to pay the fee, the supervising agency requires payment of a  
12 lesser amount. The supervising parole or probation officer shall monitor the  
13 collection of the fee.

14 B. SEVENTY PER CENT OF THE monies collected pursuant to subsection A  
15 of this section shall be deposited, pursuant to sections 35-146 and 35-147,  
16 in the victim compensation and assistance fund established by section 41-2407  
17 AND THIRTY PER CENT SHALL BE DEPOSITED IN THE ADULT PROBATION SERVICES FUND  
18 ESTABLISHED BY SECTION 12-267.

19 Sec. 3. Title 31, chapter 3, Arizona Revised Statutes, is amended by  
20 adding article 4.1, to read:

21 ARTICLE 4.1. INTERSTATE COMPACT FOR THE  
22 SUPERVISION OF ADULT OFFENDERS

23 31-467. Adoption of interstate compact for the supervision of  
24 adult offenders

25 THE GOVERNOR IS AUTHORIZED AND DIRECTED TO ENTER INTO A COMPACT ON  
26 BEHALF OF THE STATE OF ARIZONA WITH ANY OF THE UNITED STATES LAWFULLY JOINED  
27 IN THE COMPACT IN A FORM SUBSTANTIALLY AS FOLLOWS:

28 ARTICLE I

29 PURPOSE

30 A. ARIZONA AND THE COMPACTING STATES TO THIS INTERSTATE COMPACT  
31 RECOGNIZE THAT EACH STATE IS RESPONSIBLE FOR THE SUPERVISION OF ADULT  
32 OFFENDERS IN THE COMMUNITY WHO ARE AUTHORIZED PURSUANT TO THE BYLAWS AND  
33 RULES OF THIS COMPACT TO TRAVEL ACROSS STATE LINES BOTH TO AND FROM EACH  
34 COMPACTING STATE IN SUCH A MANNER AS TO TRACK THE LOCATION OF OFFENDERS,  
35 TRANSFER SUPERVISION AUTHORITY IN AN ORDERLY AND EFFICIENT MANNER AND WHEN  
36 NECESSARY RETURN OFFENDERS TO THE ORIGINATING JURISDICTIONS. THE COMPACTING  
37 STATES ALSO RECOGNIZE THAT CONGRESS, BY ENACTING THE CRIME CONTROL ACT, 4  
38 UNITED STATES CODE SECTION 112 (1965), HAS AUTHORIZED AND ENCOURAGED COMPACTS  
39 FOR COOPERATIVE EFFORTS AND MUTUAL ASSISTANCE IN THE PREVENTION OF CRIME.

40 B. IT IS THE PURPOSE OF THIS COMPACT AND THE INTERSTATE COMMISSION  
41 CREATED UNDER THIS COMPACT, THROUGH MEANS OF JOINT AND COOPERATIVE ACTION  
42 AMONG THE COMPACTING STATES TO DO ALL OF THE FOLLOWING:

43 1. PROVIDE THE FRAMEWORK FOR THE PROMOTION OF PUBLIC SAFETY AND  
44 PROTECT THE RIGHTS OF VICTIMS THROUGH THE CONTROL AND REGULATION OF THE  
45 INTERSTATE MOVEMENT OF OFFENDERS IN THE COMMUNITY.

2. PROVIDE FOR THE EFFECTIVE TRACKING, SUPERVISION AND REHABILITATION OF THESE OFFENDERS BY THE SENDING AND RECEIVING STATES.

3. EQUITABLY DISTRIBUTE THE COSTS, BENEFITS AND OBLIGATIONS OF THE COMPACT AMONG THE COMPACTING STATES.

C. IN ADDITION, THIS COMPACT WILL DO ALL OF THE FOLLOWING:

1. CREATE AN INTERSTATE COMMISSION THAT WILL ESTABLISH UNIFORM PROCEDURES TO MANAGE THE MOVEMENT BETWEEN STATES OF ADULTS PLACED UNDER COMMUNITY SUPERVISION AND RELEASED TO THE COMMUNITY UNDER THE JURISDICTION OF COURTS, PAROLING AUTHORITIES, CORRECTIONS OR OTHER CRIMINAL JUSTICE AGENCIES THAT WILL PROMULGATE RULES TO ACHIEVE THE PURPOSE OF THIS COMPACT.

2. ENSURE AN OPPORTUNITY FOR INPUT AND TIMELY NOTICE TO VICTIMS AND TO JURISDICTIONS WHERE DEFINED OFFENDERS ARE AUTHORIZED TO TRAVEL OR TO RELOCATE ACROSS STATE LINES.

3. ESTABLISH A SYSTEM OF UNIFORM DATA COLLECTION, ACCESS TO INFORMATION ON ACTIVE CASES BY AUTHORIZED CRIMINAL JUSTICE OFFICIALS AND REGULAR REPORTING OF COMPACT ACTIVITIES TO HEADS OF STATE COUNCILS, STATE EXECUTIVE, JUDICIAL AND LEGISLATIVE BRANCHES AND CRIMINAL JUSTICE ADMINISTRATORS.

4. MONITOR COMPLIANCE WITH RULES GOVERNING INTERSTATE MOVEMENT OF OFFENDERS AND INITIATE INTERVENTIONS TO ADDRESS AND CORRECT NONCOMPLIANCE.

5. COORDINATE TRAINING AND EDUCATION REGARDING REGULATIONS OF INTERSTATE MOVEMENT OF OFFENDERS FOR OFFICIALS INVOLVED IN SUCH ACTIVITY.

D. THE COMPACTING STATES RECOGNIZE THAT THERE IS NO RIGHT OF ANY OFFENDER TO LIVE IN ANOTHER STATE AND THAT DULY ACCREDITED OFFICERS OF A SENDING STATE MAY AT ALL TIMES ENTER A RECEIVING STATE AND APPREHEND AND RETAKE ANY OFFENDER UNDER SUPERVISION SUBJECT TO THE PROVISIONS OF THIS COMPACT AND BYLAWS AND RULES PROMULGATED UNDER THIS COMPACT.

E. COMPACTING STATES RECOGNIZE NO OFFENDER MAY LIVE IN ANOTHER STATE WHEN ACCEPTANCE CRITERIA THAT HAS BEEN ESTABLISHED OR ADOPTED BY THE COMPACTING STATE HAS NOT BEEN MET. IT IS THE POLICY OF THE COMPACTING STATES THAT THE ACTIVITIES CONDUCTED BY THE INTERSTATE COMMISSION CREATED IN THIS COMPACT ARE THE FORMATION OF PUBLIC POLICIES AND ARE THEREFORE PUBLIC BUSINESS.

## ARTICLE II

### DEFINITIONS

A. AS USED IN THIS COMPACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ADULT" MEANS BOTH INDIVIDUALS LEGALLY CLASSIFIED AS ADULTS AND JUVENILES TREATED AS ADULTS BY COURT ORDER, STATUTE OR OPERATION OF LAW.

2. "BYLAWS" MEANS THOSE BYLAWS ESTABLISHED BY THE INTERSTATE COMMISSION FOR ITS GOVERNANCE, OR FOR DIRECTING OR CONTROLLING THE INTERSTATE COMMISSION'S ACTIONS OR CONDUCT.

3. "COMPACT ADMINISTRATOR" MEANS THE DIRECTOR OF THE ARIZONA DEPARTMENT OF CORRECTIONS, WHO IS RESPONSIBLE FOR THE ADMINISTRATION AND MANAGEMENT OF ARIZONA'S SUPERVISION AND TRANSFER OF OFFENDERS SUBJECT TO THE

1 TERMS OF THIS COMPACT, THE RULES ADOPTED BY THE INTERSTATE COMMISSION AND  
2 POLICIES ADOPTED BY THE STATE COUNCIL UNDER THIS COMPACT.

3 4. "COMPACTING STATE" MEANS ANY STATE THAT HAS ENACTED THE ENABLING  
4 LEGISLATION FOR THIS COMPACT.

5 5. "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE OF EACH COMPACTING  
6 STATE APPOINTED PURSUANT TO ARTICLE IV OF THIS COMPACT.

7 6. "INTERSTATE COMMISSION" MEANS THE INTERSTATE COMMISSION FOR ADULT  
8 OFFENDER SUPERVISION ESTABLISHED BY THIS COMPACT.

9 7. "MEMBER" MEANS THE COMMISSIONER OF A COMPACTING STATE OR THE  
10 COMMISSIONER'S DESIGNEE, WHO SHALL BE A PERSON OFFICIALLY CONNECTED WITH THE  
11 COMMISSIONER.

12 8. "NONCOMPACTING STATE" MEANS ANY STATE THAT HAS NOT ENACTED THE  
13 ENABLING LEGISLATION FOR THIS COMPACT.

14 9. "OFFENDER" MEANS AN ADULT PLACED UNDER, OR SUBJECT TO, SUPERVISION  
15 AS THE RESULT OF THE COMMISSION OF A CRIMINAL OFFENSE AND RELEASED TO THE  
16 COMMUNITY UNDER THE JURISDICTION OF COURTS, PAROLING AUTHORITIES, CORRECTIONS  
17 OR OTHER CRIMINAL JUSTICE AGENCIES.

18 10. "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, BUSINESS ENTERPRISE,  
19 OR OTHER LEGAL ENTITY, EITHER PUBLIC OR PRIVATE.

20 11. "RULES" MEANS ACTS OF THE INTERSTATE COMMISSION, DULY PROMULGATED  
21 PURSUANT TO ARTICLE VIII OF THIS COMPACT, SUBSTANTIALLY AFFECTING INTERESTED  
22 PARTIES IN ADDITION TO THE INTERSTATE COMMISSION, WHICH SHALL HAVE THE FORCE  
23 AND EFFECT OF LAW IN THE COMPACTING STATES.

24 12. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF  
25 COLUMBIA AND ANY OTHER TERRITORIAL POSSESSIONS OF THE UNITED STATES.

26 13. "STATE COUNCIL" MEANS THE RESIDENT MEMBERS OF THE STATE COUNCIL FOR  
27 INTERSTATE ADULT OFFENDER SUPERVISION CREATED BY EACH STATE UNDER ARTICLE IV  
28 OF THIS COMPACT.

29 ARTICLE III

30 THE COMPACT COMMISSION

31 A. THIS COMPACT CREATES THE INTERSTATE COMMISSION FOR ADULT OFFENDER  
32 SUPERVISION. THE INTERSTATE COMMISSION SHALL BE A BODY CORPORATE AND JOINT  
33 AGENCY OF THE COMPACTING STATES. THE INTERSTATE COMMISSION SHALL HAVE ALL  
34 THE RESPONSIBILITIES, POWERS AND DUTIES SET FORTH IN THE COMPACT, INCLUDING  
35 THE POWER TO SUE AND BE SUED, AND ADDITIONAL POWERS CONFERRED ON IT BY  
36 SUBSEQUENT ACTION OF THE RESPECTIVE LEGISLATURES OF THE COMPACTING STATES IN  
37 ACCORDANCE WITH THE TERMS OF THIS COMPACT. THE INTERSTATE COMMISSION SHALL  
38 CONSIST OF COMMISSIONERS SELECTED AND APPOINTED BY RESIDENT MEMBERS OF A  
39 STATE COUNCIL FOR INTERSTATE ADULT OFFENDER SUPERVISION FOR EACH STATE. IN  
40 ADDITION TO THE COMMISSIONERS WHO ARE THE VOTING REPRESENTATIVES OF EACH  
41 STATE, THE INTERSTATE COMMISSION SHALL INCLUDE INDIVIDUALS WHO ARE NOT  
42 COMMISSIONERS BUT WHO ARE MEMBERS OF INTERESTED ORGANIZATIONS. THE  
43 NONCOMMISSIONER MEMBERS MUST INCLUDE A MEMBER OF THE NATIONAL ORGANIZATIONS  
44 OF GOVERNORS, LEGISLATORS, STATE CHIEF JUSTICES, ATTORNEYS GENERAL AND CRIME  
45 VICTIMS. ALL NONCOMMISSIONER MEMBERS OF THE INTERSTATE COMMISSION SHALL BE

1 EX-OFFICIO, NONVOTING MEMBERS. THE INTERSTATE COMMISSION MAY PROVIDE IN ITS  
2 BYLAWS FOR ANY ADDITIONAL, EX-OFFICIO, NONVOTING MEMBERS IT DEEMS NECESSARY.

3 B. EACH COMPACTING STATE REPRESENTED AT ANY MEETING OF THE INTERSTATE  
4 COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF THE COMPACTING STATES SHALL  
5 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, UNLESS A LARGER QUORUM  
6 IS REQUIRED BY THE BYLAWS OF THE INTERSTATE COMMISSION. THE INTERSTATE  
7 COMMISSION SHALL MEET AT LEAST ONCE EACH CALENDAR YEAR. THE CHAIRPERSON MAY  
8 CALL ADDITIONAL MEETINGS AND, ON THE REQUEST OF TWENTY-SEVEN OR MORE  
9 COMPACTING STATES, SHALL CALL ADDITIONAL MEETINGS. PUBLIC NOTICE SHALL BE  
10 GIVEN OF ALL MEETINGS AND MEETINGS SHALL BE OPEN TO THE PUBLIC.

11 C. THE INTERSTATE COMMISSION SHALL ESTABLISH AN EXECUTIVE COMMITTEE  
12 THAT INCLUDES COMMISSION OFFICERS, MEMBERS AND OTHERS THAT ARE DETERMINED BY  
13 THE BYLAWS. THE EXECUTIVE COMMITTEE MAY ACT ON BEHALF OF THE INTERSTATE  
14 COMMISSION DURING PERIODS WHEN THE INTERSTATE COMMISSION IS NOT IN SESSION,  
15 WITH THE EXCEPTION OF RULE MAKING OR AMENDMENT TO THE COMPACT. THE EXECUTIVE  
16 COMMITTEE OVERSEES THE DAY-TO-DAY ACTIVITIES MANAGED BY THE EXECUTIVE  
17 DIRECTOR AND INTERSTATE COMMISSION STAFF, ADMINISTERS ENFORCEMENT AND  
18 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS BYLAWS AND AS DIRECTED BY  
19 THE INTERSTATE COMMISSION AND PERFORMS OTHER DUTIES AS DIRECTED BY THE  
20 COMMISSION OR SET FORTH IN THE BYLAWS.

21 ARTICLE IV

22 THE STATE COUNCIL

23 A. ARIZONA SHALL CREATE A STATE COUNCIL FOR INTERSTATE ADULT OFFENDER  
24 SUPERVISION THAT IS RESPONSIBLE FOR THE APPOINTMENT OF THE COMMISSIONER WHO  
25 SHALL SERVE ON THE INTERSTATE COMMISSION FROM ARIZONA. THE COMMISSIONER  
26 SHALL BE THE COMPACT ADMINISTRATOR OR DESIGNEE.

27 B. THE MEMBERSHIP OF THE STATE COUNCIL SHALL INCLUDE ONE LEGISLATOR  
28 WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE  
29 LEGISLATOR WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE, ONE VICTIM'S  
30 ADVOCATE WHO IS APPOINTED BY THE GOVERNOR, THE DEPUTY COMPACT ADMINISTRATOR  
31 OF THE STATE DEPARTMENT OF CORRECTIONS WHO IS APPOINTED BY THE DIRECTOR OF  
32 THE STATE DEPARTMENT OF CORRECTIONS, THE DEPUTY COMPACT ADMINISTRATOR OF THE  
33 ADMINISTRATIVE OFFICE OF THE COURTS WHO IS APPOINTED BY THE DIRECTOR OF THE  
34 ADMINISTRATIVE OFFICE OF THE COURTS, ONE JUDGE WHO IS APPOINTED BY THE CHIEF  
35 JUSTICE OF THE SUPREME COURT, ONE SHERIFF APPOINTED BY THE ARIZONA SHERIFF'S  
36 ASSOCIATION AND ANY OTHER MEMBERS DETERMINED BY THE STATE COUNCIL.

37 C. THE STATE COUNCIL SHALL EXERCISE OVERSIGHT AND ADVOCACY CONCERNING  
38 ARIZONA'S PARTICIPATION IN INTERSTATE COMMISSION ACTIVITIES AND OTHER DUTIES  
39 AS DETERMINED BY THE COUNCIL'S MEMBERS INCLUDING THE DEVELOPMENT OF POLICY  
40 CONCERNING OPERATIONS AND PROCEDURES OF THE COMPACT WITHIN ARIZONA.

41 ARTICLE V

42 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

43 THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

44 1. TO ADOPT A SEAL AND SUITABLE BYLAWS GOVERNING THE MANAGEMENT AND  
45 OPERATION OF THE INTERSTATE COMMISSION.

- 1           2. TO PROMULGATE RULES AND TAKE ACTION CONSISTENT WITH THIS COMPACT.
- 2           3. TO OVERSEE, SUPERVISE AND COORDINATE THE INTERSTATE MOVEMENT OF
- 3 OFFENDERS SUBJECT TO THE TERMS OF THIS COMPACT AND ANY BYLAWS ADOPTED AND
- 4 RULES PROMULGATED BY THE INTERSTATE COMMISSION.
- 5           4. TO ENFORCE COMPLIANCE WITH COMPACT PROVISIONS, INTERSTATE
- 6 COMMISSION RULES AND BYLAWS, USING ALL NECESSARY AND PROPER MEANS, INCLUDING
- 7 JUDICIAL PROCESS.
- 8           5. TO ESTABLISH AND MAINTAIN OFFICES.
- 9           6. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.
- 10          7. TO BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
- 11 MEMBERS AND MEMBERS' STAFFS.
- 12          8. TO ESTABLISH AND APPOINT COMMITTEES AND HIRE STAFF IT DEEMS
- 13 NECESSARY TO CARRY OUT ITS FUNCTIONS INCLUDING, AN EXECUTIVE COMMITTEE AS
- 14 REQUIRED BY ARTICLE III THAT MAY ACT ON BEHALF OF THE INTERSTATE COMMISSION
- 15 IN CARRYING OUT ITS POWERS AND DUTIES UNDER THIS COMPACT.
- 16          9. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES, AGENTS OR
- 17 CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR DUTIES AND DETERMINE
- 18 THEIR QUALIFICATIONS AND TO ESTABLISH THE INTERSTATE COMMISSION'S PERSONNEL
- 19 POLICIES AND PROGRAMS RELATING TO, AMONG OTHER THINGS, CONFLICTS OF INTEREST,
- 20 RATES OF COMPENSATION AND QUALIFICATIONS OF PERSONNEL.
- 21          10. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY, EQUIPMENT,
- 22 SUPPLIES, MATERIALS AND SERVICES AND TO RECEIVE, UTILIZE AND DISPOSE OF THEM.
- 23          11. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF, OR
- 24 OTHERWISE TO OWN, HOLD, IMPROVE OR USE ANY PROPERTY, REAL, PERSONAL OR MIXED.
- 25          12. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
- 26 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.
- 27          13. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES AND LEVY DUES AS
- 28 PROVIDED IN ARTICLE X OF THIS COMPACT.
- 29          14. TO SUE AND BE SUED.
- 30          15. TO PROVIDE FOR DISPUTE RESOLUTION AMONG COMPACTING STATES.
- 31          16. TO PERFORM FUNCTIONS NECESSARY OR APPROPRIATE TO ACHIEVE THE
- 32 PURPOSES OF THIS COMPACT.
- 33          17. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS, JUDICIARY AND
- 34 STATE COUNCILS OF THE COMPACTING STATES CONCERNING THE ACTIVITIES OF THE
- 35 INTERSTATE COMMISSION DURING THE PRECEDING YEAR. THE REPORTS SHALL ALSO
- 36 INCLUDE ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE
- 37 COMMISSION.
- 38          18. TO COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS REGARDING
- 39 THE INTERSTATE MOVEMENT OF OFFENDERS FOR OFFICIALS INVOLVED IN SUCH ACTIVITY.
- 40          19. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING, COLLECTING AND
- 41 EXCHANGING OF DATA.

42                                   ARTICLE VI

43                   ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

- 44           A. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY VOTE OF THE MEMBERS,
- 45           WITHIN TWELVE MONTHS OF THE FIRST INTERSTATE COMMISSION MEETING, ADOPT BYLAWS

1 TO GOVERN ITS CONDUCT NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF  
2 THE COMPACT, INCLUDING:

- 3 1. ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE COMMISSION.
- 4 2. ESTABLISHING AN EXECUTIVE COMMITTEE AND OTHER NECESSARY COMMITTEES.
- 5 3. PROVIDING REASONABLE STANDARDS AND PROCEDURES:
- 6 (a) FOR THE ESTABLISHMENT OF COMMITTEES, AND
- 7 (b) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY OR  
8 FUNCTION OF THE INTERSTATE COMMISSION.
- 9 4. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS  
10 OF THE INTERSTATE COMMISSION AND ENSURING REASONABLE NOTICE OF EACH MEETING.
- 11 5. ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE OFFICERS OF THE  
12 INTERSTATE COMMISSION.
- 13 6. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR THE ESTABLISHMENT  
14 OF THE PERSONNEL POLICIES AND PROGRAMS OF THE INTERSTATE COMMISSION.  
15 NOTWITHSTANDING ANY CIVIL SERVICE OR OTHER SIMILAR LAWS OF ANY COMPACTING  
16 STATE, THE BYLAWS SHALL EXCLUSIVELY GOVERN THE PERSONNEL POLICIES AND  
17 PROGRAMS OF THE INTERSTATE COMMISSION.
- 18 7. PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF THE  
19 INTERSTATE COMMISSION AND THE EQUITABLE RETURN OF ANY SURPLUS FUNDS THAT  
20 EXIST ON THE TERMINATION OF THE COMPACT AFTER PAYING OR RESERVING ALL OF ITS  
21 DEBTS AND OBLIGATIONS.
- 22 8. PROVIDING TRANSITION RULES FOR START UP ADMINISTRATION OF THE  
23 COMPACT.
- 24 9. ESTABLISHING STANDARDS AND PROCEDURES FOR COMPLIANCE AND TECHNICAL  
25 ASSISTANCE IN CARRYING OUT THE COMPACT.
- 26 B. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY VOTE OF THE MEMBERS,  
27 ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND A VICE-CHAIRPERSON, EACH OF  
28 WHOM SHALL HAVE THE POWERS AND DUTIES SPECIFIED IN THE BYLAWS. THE  
29 CHAIRPERSON OR, IN THE CHAIRPERSON'S ABSENCE OR DISABILITY, THE  
30 VICE-CHAIRPERSON, SHALL PRESIDE AT ALL MEETINGS OF THE INTERSTATE COMMISSION.  
31 THE OFFICERS ELECTED SHALL SERVE WITHOUT COMPENSATION OR REMUNERATION FROM  
32 THE INTERSTATE COMMISSION. SUBJECT TO THE AVAILABILITY OF BUDGETED FUNDS,  
33 THE OFFICERS SHALL BE REIMBURSED FOR ANY ACTUAL AND NECESSARY COSTS AND  
34 EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES AND  
35 RESPONSIBILITIES AS OFFICERS OF THE INTERSTATE COMMISSION. THE INTERSTATE  
36 COMMISSION SHALL, THROUGH ITS EXECUTIVE COMMITTEE, APPOINT OR RETAIN AN  
37 EXECUTIVE DIRECTOR FOR SUCH PERIOD, ON TERMS AND CONDITIONS AND FOR  
38 COMPENSATION THE INTERSTATE COMMISSION DEEMS APPROPRIATE. THE EXECUTIVE  
39 DIRECTOR SHALL SERVE AS SECRETARY TO THE INTERSTATE COMMISSION, AND HIRE AND  
40 SUPERVISE OTHER STAFF AUTHORIZED BY THE INTERSTATE COMMISSION, BUT SHALL NOT  
41 BE A MEMBER.
- 42 C. THE INTERSTATE COMMISSION SHALL MAINTAIN ITS CORPORATE BOOKS AND  
43 RECORDS IN ACCORDANCE WITH THE BYLAWS.
- 44 D. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR AND EMPLOYEES OF THE  
45 INTERSTATE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER



1 PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS  
2 OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED OR ARISING OUT  
3 OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE  
4 SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS  
5 SUBSECTION SHALL NOT BE CONSTRUED TO PROTECT ANY PERSON FROM SUIT OR  
6 LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE INTENTIONAL  
7 OR WILLFUL AND WANTON MISCONDUCT OF ANY PERSON. THE INTERSTATE COMMISSION  
8 SHALL DEFEND THE COMMISSIONER OF A COMPACTING STATE, OR HIS OR HER  
9 REPRESENTATIVES OR EMPLOYEES, OR THE INTERSTATE COMMISSION'S REPRESENTATIVES  
10 OR EMPLOYEES, IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY, ARISING OUT  
11 OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE  
12 SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR  
13 THAT THE DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE  
14 SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, IF THE  
15 ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM INTENTIONAL  
16 WRONGDOING ON THE PART OF THE PERSON. THE INTERSTATE COMMISSION SHALL  
17 INDEMNIFY AND HOLD THE COMMISSIONER OF A COMPACTING STATE, THE APPOINTED  
18 DESIGNEE OR EMPLOYEES, OR THE INTERSTATE COMMISSION'S REPRESENTATIVES OR  
19 EMPLOYEES, HARMLESS IN THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED  
20 AGAINST SUCH PERSONS ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR  
21 OMISSION THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,  
22 DUTIES OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS FOR  
23 BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,  
24 DUTIES OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR  
25 OR OMISSION DID NOT RESULT FROM GROSS NEGLIGENCE OR INTENTIONAL WRONGDOING  
26 ON THE PART OF THE PERSON.

## 27 ARTICLE VII

### 28 ACTIVITIES OF THE INTERSTATE COMMISSION

29 A. THE INTERSTATE COMMISSION SHALL MEET AND TAKE ACTIONS CONSISTENT  
30 WITH THE PROVISIONS OF THIS COMPACT.

31 B. EXCEPT AS OTHERWISE PROVIDED IN THIS COMPACT AND UNLESS A GREATER  
32 PERCENTAGE IS REQUIRED BY THE BYLAWS, IN ORDER TO CONSTITUTE AN ACT OF THE  
33 INTERSTATE COMMISSION, THE ACT MUST BE TAKEN AT A MEETING OF THE INTERSTATE  
34 COMMISSION AND MUST RECEIVE AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS  
35 PRESENT.

36 C. EACH MEMBER OF THE INTERSTATE COMMISSION HAS THE RIGHT AND POWER  
37 TO CAST A VOTE TO WHICH THAT COMPACTING STATE IS ENTITLED AND TO PARTICIPATE  
38 IN THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION. A MEMBER SHALL  
39 VOTE IN PERSON ON BEHALF OF THE STATE AND SHALL NOT DELEGATE A VOTE TO  
40 ANOTHER MEMBER STATE. HOWEVER, A STATE COUNCIL SHALL APPOINT ANOTHER  
41 AUTHORIZED REPRESENTATIVE, IN THE ABSENCE OF THE COMMISSIONER FROM THAT  
42 STATE, TO CAST A VOTE ON BEHALF OF THE MEMBER STATE AT A SPECIFIED MEETING.  
43 THE BYLAWS MAY PROVIDE FOR MEMBERS' PARTICIPATION IN MEETINGS BY TELEPHONE  
44 OR OTHER MEANS OF TELECOMMUNICATION OR ELECTRONIC COMMUNICATION. ANY VOTING  
45 CONDUCTED BY TELEPHONE, OR OTHER MEANS OF TELECOMMUNICATION OR ELECTRONIC

1 COMMUNICATION, IS SUBJECT TO THE SAME QUORUM REQUIREMENTS OF MEETINGS AT  
2 WHICH MEMBERS ARE PRESENT IN PERSON.

3 D. THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH  
4 CALENDAR YEAR. THE CHAIRPERSON OF THE INTERSTATE COMMISSION MAY CALL  
5 ADDITIONAL MEETINGS AT ANY TIME AND, ON THE REQUEST OF A MAJORITY OF THE  
6 MEMBERS, SHALL CALL ADDITIONAL MEETINGS.

7 E. THE INTERSTATE COMMISSION'S BYLAWS SHALL ESTABLISH CONDITIONS AND  
8 PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION  
9 AND OFFICIAL RECORDS AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING. THE  
10 INTERSTATE COMMISSION MAY EXEMPT FROM DISCLOSURE ANY INFORMATION OR OFFICIAL  
11 RECORDS TO THE EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL PRIVACY RIGHTS OR  
12 PROPRIETARY INTERESTS. IN PROMULGATING THE RULES, THE INTERSTATE COMMISSION  
13 MAY MAKE AVAILABLE TO LAW ENFORCEMENT AGENCIES RECORDS AND INFORMATION  
14 OTHERWISE EXEMPT FROM DISCLOSURE, AND MAY ENTER INTO AGREEMENTS WITH LAW  
15 ENFORCEMENT AGENCIES TO RECEIVE OR EXCHANGE INFORMATION OR RECORDS SUBJECT  
16 TO NONDISCLOSURE AND CONFIDENTIALITY PROVISIONS.

17 F. PUBLIC NOTICE SHALL BE GIVEN OF ALL MEETINGS AND ALL MEETINGS SHALL  
18 BE OPEN TO THE PUBLIC, EXCEPT AS SET FORTH IN THE RULES OR AS OTHERWISE  
19 PROVIDED IN THE COMPACT. THE INTERSTATE COMMISSION SHALL PROMULGATE RULES  
20 CONSISTENT WITH THE PRINCIPLES CONTAINED IN THE GOVERNMENT IN SUNSHINE ACT  
21 (5 UNITED STATES CODE SECTION 552b). THE INTERSTATE COMMISSION AND ANY OF  
22 ITS COMMITTEES MAY CLOSE A MEETING TO THE PUBLIC IF IT DETERMINES BY  
23 TWO-THIRDS VOTE THAT AN OPEN MEETING WOULD BE LIKELY TO:

24 1. RELATE SOLELY TO THE INTERSTATE COMMISSION'S INTERNAL PERSONNEL  
25 PRACTICES AND PROCEDURES.

26 2. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY STATUTE.

27 3. DISCLOSE TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT  
28 IS PRIVILEGED OR CONFIDENTIAL.

29 4. INVOLVE ACCUSING ANY PERSON OF A CRIME, OR FORMALLY CENSURING ANY  
30 PERSON.

31 5. DISCLOSE INFORMATION OF A PERSONAL NATURE IF DISCLOSURE WOULD  
32 CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

33 6. DISCLOSE INVESTIGATORY RECORDS COMPILED FOR LAW ENFORCEMENT  
34 PURPOSES.

35 7. DISCLOSE INFORMATION CONTAINED IN OR RELATED TO EXAMINATION,  
36 OPERATING OR CONDITION REPORTS PREPARED BY, OR ON BEHALF OF OR FOR THE USE  
37 OF, THE INTERSTATE COMMISSION WITH RESPECT TO A REGULATED ENTITY FOR THE  
38 PURPOSE OF REGULATION OR SUPERVISION OF THE ENTITY.

39 8. DISCLOSE INFORMATION, THE PREMATURE DISCLOSURE OF WHICH WOULD  
40 SIGNIFICANTLY ENDANGER THE LIFE OF A PERSON OR THE STABILITY OF A REGULATED  
41 ENTITY.

42 9. SPECIFICALLY RELATE TO THE INTERSTATE COMMISSION'S ISSUANCE OF A  
43 SUBPOENA OR ITS PARTICIPATION IN A CIVIL ACTION OR PROCEEDING.

44 G. FOR EVERY MEETING CLOSED PURSUANT TO SUBSECTION F, THE INTERSTATE  
45 COMMISSION'S CHIEF LEGAL OFFICER SHALL PUBLICLY CERTIFY THAT, IN THE LEGAL

1 OFFICER'S OPINION, THE MEETING MAY BE CLOSED TO THE PUBLIC AND SHALL  
2 REFERENCE EACH RELEVANT EXEMPTIVE PROVISION. THE INTERSTATE COMMISSION SHALL  
3 KEEP MINUTES THAT SHALL FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN  
4 ANY MEETING AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ANY ACTIONS  
5 TAKEN, AND THE REASONS FOR THE ACTIONS TAKEN, INCLUDING A DESCRIPTION OF EACH  
6 OF THE VIEWS EXPRESSED ON ANY ITEM AND THE RECORD OF ANY ROLL CALL VOTE,  
7 REFLECTED IN THE VOTE OF EACH MEMBER ON THE QUESTION. ALL DOCUMENTS  
8 CONSIDERED IN CONNECTION WITH ANY ACTION SHALL BE IDENTIFIED IN THE MINUTES.  
9 THE INTERSTATE COMMISSION SHALL COLLECT STANDARDIZED DATA CONCERNING THE  
10 INTERSTATE MOVEMENT OF OFFENDERS AS DIRECTED THROUGH ITS BYLAWS AND RULES  
11 THAT SPECIFY THE DATA TO BE COLLECTED, THE MEANS OF COLLECTION AND DATA  
12 EXCHANGE AND REPORTING REQUIREMENTS.

13 ARTICLE VIII

14 RULE MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

15 A. THE INTERSTATE COMMISSION SHALL PROMULGATE RULES TO EFFECTIVELY AND  
16 EFFICIENTLY ACHIEVE THE PURPOSES OF THE COMPACT INCLUDING TRANSITION RULES  
17 GOVERNING ADMINISTRATION OF THE COMPACT DURING THE PERIOD IN WHICH IT IS  
18 BEING CONSIDERED AND ENACTED BY THE STATES. RULE MAKING SHALL OCCUR PURSUANT  
19 TO THE CRITERIA SET FORTH IN THIS ARTICLE AND THE BYLAWS AND RULES ADOPTED  
20 PURSUANT TO THIS ARTICLE. THE RULE MAKING SHALL SUBSTANTIALLY CONFORM TO THE  
21 PRINCIPLES OF THE FEDERAL ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C.S. SECTION  
22 551 ET SEQ., AND THE FEDERAL ADVISORY COMMITTEE ACT, 5 U.S.C.S. APP. 2,  
23 SECTION 1 ET SEQ., AS MAY BE AMENDED. ALL RULES AND AMENDMENTS ARE BINDING  
24 ON THE DATE SPECIFIED IN EACH RULE OR AMENDMENT.

25 B. IF A MAJORITY OF THE LEGISLATURES OF THE COMPACTING STATES REJECTS  
26 A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO  
27 ADOPT THE COMPACT, THEN THE RULE HAS NO FURTHER FORCE AND EFFECT IN ANY  
28 COMPACTING STATE.

29 C. WHEN PROMULGATING A RULE, THE INTERSTATE COMMISSION SHALL:

30 1. PUBLISH THE PROPOSED RULE STATING WITH PARTICULARITY THE TEXT OF  
31 THE RULE THAT IS PROPOSED AND THE REASON FOR THE PROPOSED RULE.

32 2. ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND  
33 ARGUMENTS, WHICH SHALL BE PUBLICLY AVAILABLE.

34 3. PROVIDE AN OPPORTUNITY FOR AN INFORMAL HEARING.

35 4. PROMULGATE A FINAL RULE AND ITS EFFECTIVE DATE, IF APPROPRIATE,  
36 BASED ON THE RULE MAKING RECORD.

37 D. NOT LATER THAN SIXTY DAYS AFTER A RULE IS PROMULGATED, ANY  
38 INTERESTED PERSON MAY FILE A PETITION IN THE UNITED STATES DISTRICT COURT FOR  
39 THE DISTRICT OF COLUMBIA OR IN THE FEDERAL DISTRICT COURT WHERE THE  
40 INTERSTATE COMMISSION'S PRINCIPAL OFFICE IS LOCATED FOR JUDICIAL REVIEW OF  
41 THE RULE. IF THE COURT FINDS THAT THE INTERSTATE COMMISSION'S ACTION IS NOT  
42 SUPPORTED BY SUBSTANTIAL EVIDENCE AS DEFINED IN THE FEDERAL ADMINISTRATIVE  
43 PROCEDURE ACT, IN THE RULE MAKING RECORD, THE COURT SHALL HOLD THE RULE  
44 UNLAWFUL AND SET IT ASIDE. SUBJECTS TO BE ADDRESSED WITHIN TWELVE MONTHS  
45 AFTER THE FIRST MEETING MUST AT A MINIMUM INCLUDE:

- 1 1. NOTICE TO VICTIMS AND OPPORTUNITY TO BE HEARD.
- 2 2. OFFENDER REGISTRATION AND COMPLIANCE.
- 3 3. VIOLATIONS AND RETURNS.
- 4 4. TRANSFER PROCEDURES AND FORMS.
- 5 5. ELIGIBILITY FOR TRANSFER.
- 6 6. COLLECTION OF RESTITUTION AND FEES FROM OFFENDERS.
- 7 7. DATA COLLECTION AND REPORTING.
- 8 8. THE LEVEL OF SUPERVISION TO BE PROVIDED BY THE RECEIVING STATE.
- 9 9. TRANSITION RULES GOVERNING THE OPERATION OF THE COMPACT AND THE  
10 INTERSTATE COMMISSION DURING ALL OR PART OF THE PERIOD BETWEEN THE EFFECTIVE  
11 DATE OF THE COMPACT AND THE DATE ON WHICH THE LAST ELIGIBLE STATE ADOPTS THE  
12 COMPACT.
- 13 10. MEDIATION, ARBITRATION AND DISPUTE RESOLUTION.
- 14 E. THE EXISTING RULES GOVERNING THE OPERATION OF THE PREVIOUS COMPACT  
15 SUPERSEDED BY THIS ACT SHALL BE NULL AND VOID TWELVE MONTHS AFTER THE FIRST  
16 MEETING OF THE INTERSTATE COMMISSION CREATED UNDER THIS COMPACT.
- 17 F. ON DETERMINATION BY THE INTERSTATE COMMISSION THAT AN EMERGENCY  
18 EXISTS, IT MAY PROMULGATE AN EMERGENCY RULE THAT IS EFFECTIVE IMMEDIATELY ON  
19 ADOPTION, PROVIDED THAT THE USUAL RULE MAKING PROCEDURES PROVIDED HEREUNDER  
20 SHALL BE RETROACTIVELY APPLIED TO SAID RULE AS SOON AS REASONABLY POSSIBLE,  
21 IN NO EVENT LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE OF THE RULE.

22 ARTICLE IX

23 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION  
24 BY THE INTERSTATE COMMISSION

25 A. THE INTERSTATE COMMISSION SHALL OVERSEE THE INTERSTATE MOVEMENT OF  
26 ADULT OFFENDERS IN THE COMPACTING STATES AND SHALL MONITOR SUCH ACTIVITIES  
27 BEING ADMINISTERED IN NONCOMPACTING STATES THAT SIGNIFICANTLY AFFECT  
28 COMPACTING STATES. THE COURTS AND EXECUTIVE AGENCIES IN EACH COMPACTING  
29 STATE SHALL ENFORCE THIS COMPACT AND SHALL TAKE ALL ACTIONS NECESSARY AND  
30 APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. IN ANY JUDICIAL  
31 OR ADMINISTRATIVE PROCEEDING IN A COMPACTING STATE PERTAINING TO THE SUBJECT  
32 MATTER OF THIS COMPACT THAT MAY AFFECT THE POWERS, RESPONSIBILITIES OR  
33 ACTIONS OF THE INTERSTATE COMMISSION, THE INTERSTATE COMMISSION IS ENTITLED  
34 TO RECEIVE ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE  
35 STANDING TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES.

36 B. THE COMPACTING STATES SHALL REPORT TO THE INTERSTATE COMMISSION ON  
37 ISSUES OR ACTIVITIES OF CONCERN TO THEM AND COOPERATE WITH AND SUPPORT THE  
38 INTERSTATE COMMISSION IN THE DISCHARGE OF ITS DUTIES AND RESPONSIBILITIES.  
39 THE INTERSTATE COMMISSION SHALL ATTEMPT TO RESOLVE ANY DISPUTES OR OTHER  
40 ISSUES THAT ARE SUBJECT TO THE COMPACT AND THAT MAY ARISE AMONG COMPACTING  
41 STATES AND NONCOMPACTING STATES. THE INTERSTATE COMMISSION SHALL ENACT  
42 BYLAWS OR PROMULGATE A RULE PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE  
43 RESOLUTION FOR DISPUTES AMONG THE COMPACTING STATES.

1 C. THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF ITS  
2 DISCRETION, SHALL ENFORCE THE PROVISIONS OF THIS COMPACT USING ANY OR ALL  
3 MEANS SET FORTH IN ARTICLE XII, SUBSECTION B OF THIS COMPACT.

4 ARTICLE X

5 FINANCE

6 A. THE INTERSTATE COMMISSION SHALL PAY OR PROVIDE FOR THE PAYMENT OF  
7 THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING  
8 ACTIVITIES.

9 B. THE INTERSTATE COMMISSION SHALL LEVY ON AND COLLECT AN ANNUAL  
10 ASSESSMENT FROM EACH COMPACTING STATE TO COVER THE COST OF THE INTERNAL  
11 OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF THAT  
12 MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE INTERSTATE COMMISSION'S  
13 ANNUAL BUDGET AS APPROVED EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT  
14 SHALL BE ALLOCATED BASED ON A FORMULA TO BE DETERMINED BY THE INTERSTATE  
15 COMMISSION, TAKING INTO CONSIDERATION THE POPULATION OF THE STATE AND THE  
16 VOLUME OF INTERSTATE MOVEMENT OF OFFENDERS IN EACH COMPACTING STATE AND SHALL  
17 PROMULGATE A RULE BINDING ON ALL COMPACTING STATES THAT GOVERNS THE  
18 ASSESSMENT. ARIZONA'S ASSESSMENT SHALL NOT EXCEED TWENTY-FIVE THOUSAND  
19 DOLLARS PER YEAR UNLESS APPROVED BY THE STATE COUNCIL AND APPROPRIATED BY THE  
20 LEGISLATURE.

21 C. THE INTERSTATE COMMISSION SHALL NOT INCUR ANY OBLIGATIONS OF ANY  
22 KIND BEFORE SECURING THE FUNDS ADEQUATE TO MEET THE OBLIGATIONS AND SHALL NOT  
23 PLEDGE THE CREDIT OF ANY OF THE COMPACTING STATES, EXCEPT BY AND WITH THE  
24 AUTHORITY OF THE COMPACTING STATE.

25 D. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL  
26 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE INTERSTATE  
27 COMMISSION ARE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED  
28 UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED  
29 BY THE INTERSTATE COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR  
30 LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN  
31 AND BECOME PART OF THE ANNUAL REPORT OF THE INTERSTATE COMMISSION.

32 ARTICLE XI

33 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENTS

34 A. ANY STATE, AS DEFINED IN ARTICLE II OF THIS COMPACT, IS ELIGIBLE  
35 TO BECOME A COMPACTING STATE. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING  
36 ON LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN THIRTY-FIVE  
37 STATES. THE INITIAL EFFECTIVE DATE SHALL BE THE LATER OF JULY 1, 2001, OR  
38 ON ENACTMENT INTO LAW BY THE THIRTY-FIFTH STATE. THEREAFTER IT IS EFFECTIVE  
39 AND BINDING, AS TO ANY OTHER COMPACTING STATE, ON ENACTMENT OF THE COMPACT  
40 INTO LAW BY THAT STATE. THE GOVERNORS OF NONMEMBER STATES OR THEIR DESIGNEES  
41 SHALL BE INVITED TO PARTICIPATE IN INTERSTATE COMMISSION ACTIVITIES ON A  
42 NONVOTING BASIS BEFORE ADOPTION OF THE COMPACT BY ALL STATES AND TERRITORIES  
43 OF THE UNITED STATES.

44 B. AMENDMENTS TO THE COMPACT MAY BE PROPOSED BY THE INTERSTATE  
45 COMMISSION FOR ENACTMENT BY THE COMPACTING STATES. NO AMENDMENT IS EFFECTIVE

1 AND BINDING ON THE INTERSTATE COMMISSION AND THE COMPACTING STATES UNLESS AND  
2 UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE COMPACTING STATES.

3 ARTICLE XII

4 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

5 A. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN  
6 BINDING ON EACH COMPACTING STATE. A COMPACTING STATE MAY WITHDRAW FROM THE  
7 COMPACT BY ENACTING A STATUTE SPECIFICALLY REPEALING THE STATUTE THAT ENACTED  
8 THE COMPACT. THE EFFECTIVE DATE OF WITHDRAWAL IS THE EFFECTIVE DATE OF THE  
9 REPEAL. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF THE  
10 INTERSTATE COMMISSION IN WRITING ON THE INTRODUCTION OF LEGISLATION REPEALING  
11 THIS COMPACT IN THE WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL  
12 NOTIFY THE OTHER COMPACTING STATES OF THE WITHDRAWING STATE'S INTENT TO  
13 WITHDRAW WITHIN SIXTY DAYS OF ITS RECEIPT THEREOF. THE WITHDRAWING STATE IS  
14 RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH  
15 THE EFFECTIVE DATE OF WITHDRAWAL, INCLUDING ANY OBLIGATIONS, THE PERFORMANCE  
16 OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF WITHDRAWAL. REINSTATEMENT  
17 FOLLOWING WITHDRAWAL OF ANY COMPACTING STATE SHALL OCCUR ON THE WITHDRAWING  
18 STATE REENACTING THE COMPACT OR ON SUCH LATER DATE DETERMINED BY THE  
19 INTERSTATE COMMISSION.

20 B. IF THE INTERSTATE COMMISSION DETERMINES THAT ANY COMPACTING STATE  
21 HAS AT ANY TIME DEFAULTED IN THE PERFORMANCE OF ANY OF ITS OBLIGATIONS OR  
22 RESPONSIBILITIES UNDER THIS COMPACT, THE BYLAWS OR ANY DULY PROMULGATED RULES  
23 THE INTERSTATE COMMISSION MAY IMPOSE ANY OR ALL OF THE FOLLOWING PENALTIES:

24 1. FINES, FEES AND COSTS IN AMOUNTS DEEMED TO BE REASONABLE AS FIXED  
25 BY THE INTERSTATE COMMISSION.

26 2. REMEDIAL TRAINING AND TECHNICAL ASSISTANCE AS DIRECTED BY THE  
27 INTERSTATE COMMISSION.

28 3. SUSPENSION AND TERMINATION OF MEMBERSHIP IN THE  
29 COMPACT. SUSPENSION SHALL BE IMPOSED ONLY AFTER ALL OTHER REASONABLE MEANS  
30 OF SECURING COMPLIANCE UNDER THE BYLAWS AND RULES HAVE BEEN EXHAUSTED.  
31 IMMEDIATE NOTICE OF SUSPENSION SHALL BE GIVEN BY THE INTERSTATE COMMISSION  
32 TO THE GOVERNOR, THE CHIEF JUSTICE OR CHIEF JUDICIAL OFFICER OF THE STATE,  
33 THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S LEGISLATURE AND  
34 THE STATE COUNCIL. THE GROUNDS FOR DEFAULT INCLUDE FAILURE OF A COMPACTING  
35 STATE TO PERFORM OBLIGATIONS OR RESPONSIBILITIES IMPOSED ON IT BY THIS  
36 COMPACT, INTERSTATE COMMISSION BYLAWS OR DULY PROMULGATED RULES. THE  
37 INTERSTATE COMMISSION SHALL IMMEDIATELY NOTIFY THE DEFAULTING STATE IN  
38 WRITING OF THE PENALTY IMPOSED BY THE INTERSTATE COMMISSION ON THE DEFAULTING  
39 STATE PENDING A CURE OF THE DEFAULT. THE INTERSTATE COMMISSION SHALL  
40 STIPULATE THE CONDITIONS AND THE TIME PERIOD WITHIN WHICH THE DEFAULTING  
41 STATE MUST CURE ITS DEFAULT. IF THE DEFAULTING STATE FAILS TO CURE THE  
42 DEFAULT WITHIN THE TIME PERIOD SPECIFIED BY THE INTERSTATE COMMISSION, IN  
43 ADDITION TO ANY OTHER PENALTIES IMPOSED IN THIS SUBSECTION, THE DEFAULTING  
44 STATE MAY BE TERMINATED FROM THE COMPACT ON AN AFFIRMATIVE VOTE OF A MAJORITY  
45 OF THE COMPACTING STATES AND ALL RIGHTS, PRIVILEGES AND BENEFITS CONFERRED

1 BY THIS COMPACT SHALL BE TERMINATED FROM THE EFFECTIVE DATE OF SUSPENSION.  
2 WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF TERMINATION OF A DEFAULTING STATE,  
3 THE INTERSTATE COMMISSION SHALL NOTIFY THE GOVERNOR, THE CHIEF JUSTICE OR  
4 CHIEF JUDICIAL OFFICER AND THE MAJORITY AND MINORITY LEADERS OF THE  
5 DEFAULTING STATE'S LEGISLATURE AND THE STATE COUNCIL OF THE TERMINATION. THE  
6 DEFAULTING STATE IS RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS AND  
7 LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION INCLUDING ANY  
8 OBLIGATIONS, THE PERFORMANCE OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF  
9 TERMINATION. THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS RELATING TO  
10 THE DEFAULTING STATE UNLESS OTHERWISE MUTUALLY AGREED ON BETWEEN THE  
11 INTERSTATE COMMISSION AND THE DEFAULTING STATE. REINSTATEMENT FOLLOWING  
12 TERMINATION OF ANY COMPACTING STATE REQUIRES BOTH A REENACTMENT OF THE  
13 COMPACT BY THE DEFAULTING STATE AND THE APPROVAL OF THE INTERSTATE COMMISSION  
14 PURSUANT TO THE RULES.

15 C. THE INTERSTATE COMMISSION MAY, BY MAJORITY VOTE OF THE MEMBERS,  
16 INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT  
17 OF COLUMBIA OR, AT THE DISCRETION OF THE INTERSTATE COMMISSION, IN THE  
18 FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS OFFICES TO ENFORCE  
19 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT OR ITS DULY PROMULGATED RULES  
20 AND BYLAWS, AGAINST ANY COMPACTING STATE IN DEFAULT. IF JUDICIAL ENFORCEMENT  
21 IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF THE  
22 LITIGATION INCLUDING REASONABLE ATTORNEY FEES.

23 D. THE COMPACT DISSOLVES EFFECTIVE ON THE DATE OF THE WITHDRAWAL OR  
24 DEFAULT OF THE COMPACTING STATE THAT REDUCES MEMBERSHIP IN THE COMPACT TO ONE  
25 COMPACTING STATE. ON THE DISSOLUTION OF THIS COMPACT, THE COMPACT BECOMES  
26 NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT AND THE BUSINESS AND  
27 AFFAIRS OF THE INTERSTATE COMMISSION SHALL BE WOUND UP AND ANY SURPLUS FUNDS  
28 SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.

#### 29 ARTICLE XIII

#### 30 SEVERABILITY AND CONSTRUCTION

31 A. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND IF ANY  
32 PHRASE, CLAUSE, SENTENCE OR PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING  
33 PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.

34 B. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUCTED TO  
35 EFFECTUATE ITS PURPOSES.

#### 36 ARTICLE XIV

#### 37 EFFECT OF COMPACT

38 A. THIS COMPACT DOES NOT DIMINISH THE CONSTITUTIONAL AUTHORITY OF THE  
39 ARIZONA LEGISLATURE.

40 B. THIS COMPACT IS NOT CONTRARY TO ANY LAW OF THE STATE OF ARIZONA.  
41 NOTWITHSTANDING ANY OTHER LAW OF THE STATE OF ARIZONA, THIS COMPACT SHALL  
42 GOVERN THE INTERSTATE SUPERVISION OF ADULT OFFENDERS.

43 C. THE INTERSTATE COMMISSION SHALL PROMULGATE RULES AND TAKE ACTION  
44 CONSISTENT WITH THIS COMPACT THAT ARE BINDING ON THE STATE OF ARIZONA AS TO

1 THE INTERSTATE SUPERVISION OF ADULT OFFENDERS UNLESS AND TO THE EXTENT THE  
2 RULES OR ACTION CONFLICT WITH ARIZONA STATUTES.

3 D. NOTHING IN THIS SECTION PREVENTS THE ENFORCEMENT OF ANY OTHER  
4 ARIZONA LAW THAT IS NOT INCONSISTENT WITH THIS COMPACT.

5 E. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE COMPACTING  
6 STATES ARE BINDING IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT. ON THE  
7 REQUEST OF A PARTY TO A CONFLICT OVER MEANING OR INTERPRETATION OF INTERSTATE  
8 COMMISSION ACTIONS, AND ON A MAJORITY VOTE OF THE COMPACTING STATES, THE  
9 INTERSTATE COMMISSION MAY ISSUE ADVISORY OPINIONS REGARDING SUCH MEANING OR  
10 INTERPRETATION.

11 F. IF ANY PROVISION OF THIS COMPACT EXCEEDS THE CONSTITUTIONAL LIMITS  
12 IMPOSED ON THE LEGISLATURE OF ANY COMPACTING STATE, THE OBLIGATIONS, DUTIES,  
13 POWERS OR JURISDICTION SOUGHT TO BE CONFERRED BY THE PROVISION ON THE  
14 INTERSTATE COMMISSION IS INEFFECTIVE AND THE OBLIGATIONS, DUTIES, POWERS OR  
15 JURISDICTION SHALL REMAIN IN THE COMPACTING STATE AND SHALL BE EXERCISED BY  
16 THE AGENCY TO WHICH THE OBLIGATIONS, DUTIES, POWERS OR JURISDICTION ARE  
17 DELEGATED BY LAW IN EFFECT AT THE TIME THIS COMPACT BECOMES EFFECTIVE.

18 31-467.01. Parole or probation violation; retaking; notice;  
19 hearing; custody pending hearing

20 A. IF SUPERVISION OF A PAROLEE OR PROBATIONER IS BEING ADMINISTERED  
21 PURSUANT TO THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS,  
22 THE APPROPRIATE JUDICIAL OR ADMINISTRATIVE AUTHORITIES IN THIS STATE SHALL  
23 NOTIFY THE COMPACT ADMINISTRATOR OF THE SENDING STATE IF, IN THEIR VIEW,  
24 CONSIDERATION SHOULD BE GIVEN TO RETAKING OR REINCARCERATION FOR A PAROLE OR  
25 PROBATION VIOLATION.

26 B. BEFORE GIVING ANY NOTIFICATION PURSUANT TO SUBSECTION A, A HEARING  
27 SHALL BE HELD PURSUANT TO THIS ARTICLE WITHIN A REASONABLE TIME, UNLESS THE  
28 HEARING IS WAIVED BY THE PAROLEE OR PROBATIONER. THE APPROPRIATE OFFICER OR  
29 OFFICERS OF THIS STATE SHALL AS SOON AS PRACTICABLE, FOLLOWING TERMINATION  
30 OF THE HEARING, REPORT TO THE SENDING STATE, FURNISH A COPY OF THE HEARING  
31 RECORD, AND MAKE RECOMMENDATIONS REGARDING THE DISPOSITION TO BE MADE OF THE  
32 PAROLEE OR PROBATIONER BY THE SENDING STATE.

33 C. PENDING ANY PROCEEDING PURSUANT TO THIS SECTION, THE APPROPRIATE  
34 OFFICERS OF THIS STATE MAY TAKE CUSTODY OF AND DETAIN THE PAROLEE OR  
35 PROBATIONER INVOLVED FOR A PERIOD NOT MORE THAN FIFTEEN DAYS BEFORE THE  
36 HEARING AND, IF IT APPEARS TO THE HEARING OFFICER OR OFFICERS THAT RETAKING  
37 OR REINCARCERATION IS LIKELY TO FOLLOW, FOR SUCH REASONABLE PERIOD AFTER THE  
38 HEARING OR WAIVER AS MAY BE NECESSARY TO ARRANGE FOR THE RETAKING OR  
39 REINCARCERATION.

40 31-467.02. Hearing officer

41 ANY HEARING PURSUANT TO THIS ARTICLE MAY BE BEFORE THE ADMINISTRATOR  
42 OF THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS, A DEPUTY  
43 OF THE ADMINISTRATOR OR ANY OTHER PERSON AUTHORIZED PURSUANT TO THE LAWS OF  
44 THIS STATE TO HEAR CASES OF ALLEGED PAROLE OR PROBATION VIOLATION, EXCEPT



1 THAT A HEARING OFFICER MAY NOT BE THE PERSON MAKING THE ALLEGATION OF  
2 VIOLATION.

3 31-467.03. Hearing rights of parolee or probationer

4 A. WITH RESPECT TO ANY HEARING PURSUANT TO THIS ARTICLE, THE PAROLEE  
5 OR PROBATIONER:

6 1. SHALL HAVE REASONABLE NOTICE IN WRITING OF THE NATURE AND CONTENT  
7 OF THE ALLEGATIONS TO BE MADE, INCLUDING NOTICE THAT THE PURPOSE OF THE  
8 HEARING IS TO DETERMINE WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THAT THE  
9 PAROLEE OR PROBATIONER HAS COMMITTED A VIOLATION THAT MAY LEAD TO A  
10 REVOCATION OF PAROLE OR PROBATION.

11 2. SHALL BE ALLOWED TO CONSULT WITH ANY PERSON WHOSE ASSISTANCE THE  
12 PAROLEE OR PROBATIONER REASONABLY DESIRES, BEFORE THE HEARING.

13 3. HAS THE RIGHT TO CONFRONT AND EXAMINE ANY PERSON WHO HAS MADE  
14 ALLEGATIONS AGAINST THE PAROLEE OR PROBATIONER, UNLESS THE HEARING OFFICER  
15 DETERMINES THAT THE CONFRONTATION WOULD PRESENT A SUBSTANTIAL PRESENT OR  
16 SUBSEQUENT DANGER OF HARM TO THE PERSON.

17 4. MAY ADMIT, DENY OR EXPLAIN THE ALLEGED VIOLATION AND MAY PRESENT  
18 PROOF, INCLUDING AFFIDAVITS AND OTHER EVIDENCE, IN SUPPORT OF THOSE  
19 CONTENTIONS.

20 B. A RECORD OF THE PROCEEDINGS SHALL BE MADE AND PRESERVED.

21 31-467.04. Hearings in other states; effect

22 IN ANY CASE OF ALLEGED PAROLE OR PROBATION VIOLATION BY A PERSON BEING  
23 SUPERVISED IN ANOTHER STATE PURSUANT TO THE INTERSTATE COMPACT FOR THE  
24 SUPERVISION OF ADULT OFFENDERS, ANY APPROPRIATE JUDICIAL OR ADMINISTRATIVE  
25 OFFICER OR AGENCY IN ANOTHER STATE IS AUTHORIZED TO HOLD A HEARING ON THE  
26 ALLEGED VIOLATION. ON RECEIPT OF THE RECORD OF A PAROLE OR PROBATION  
27 VIOLATION HEARING HELD IN ANOTHER STATE PURSUANT TO A STATUTE SUBSTANTIALLY  
28 SIMILAR TO THIS ARTICLE, THE RECORD SHALL HAVE THE SAME STANDING AND EFFECT  
29 AS THOUGH THE PROCEEDING OF WHICH IT IS A RECORD WAS HAD BEFORE THE  
30 APPROPRIATE OFFICER OR OFFICERS IN THIS STATE, AND ANY RECOMMENDATIONS  
31 CONTAINED IN OR ACCOMPANYING THE RECORD SHALL BE FULLY CONSIDERED BY THE  
32 APPROPRIATE OFFICER OR OFFICERS OF THIS STATE IN MAKING DISPOSITION OF THE  
33 MATTER.

34 31-467.05. Extradition; retrieval

35 A. AT ALL TIMES, DULY ACCREDITED OFFICERS OF A SENDING STATE MAY ENTER  
36 A RECEIVING STATE AND APPREHEND AND RETAKE ANY PERSON WHO IS ON PROBATION OR  
37 PAROLE. FOR THAT PURPOSE NO FORMALITIES ARE REQUIRED OTHER THAN ESTABLISHING  
38 THE AUTHORITY OF THE OFFICER AND THE IDENTITY OF THE PERSON TO BE RETAKEN.  
39 ALL LEGAL REQUIREMENTS TO OBTAIN EXTRADITION OF FUGITIVES ARE EXPRESSLY  
40 WAIVED ON THE PART OF STATES THAT ARE PARTIES TO THE INTERSTATE COMPACT FOR  
41 THE SUPERVISION OF ADULT OFFENDERS, AS TO THE PERSONS. THE DECISION OF THE  
42 SENDING STATE TO RETAKE A PERSON ON PROBATION OR PAROLE SHALL BE CONCLUSIVE  
43 ON, AND IS NOT REVIEWABLE WITHIN, THE RECEIVING STATE, UNLESS AT THE TIME A  
44 STATE SEEKS TO RETAKE A PROBATIONER OR PAROLEE THERE IS PENDING AGAINST THE  
45 PROBATIONER OR PAROLEE WITHIN THE RECEIVING STATE ANY CRIMINAL CHARGE OR THE

1 PROBATIONER OR PAROLEE IS SUSPECTED OF HAVING COMMITTED WITHIN THE STATE A  
2 CRIMINAL OFFENSE, IN WHICH CASE THE PROBATIONER OR PAROLEE SHALL NOT BE  
3 RETAKEN WITHOUT THE CONSENT OF THE RECEIVING STATE UNTIL DISCHARGED FROM  
4 PROSECUTION OR FROM IMPRISONMENT FOR SUCH OFFENSE.

5 B. DULY ACCREDITED OFFICERS OF THE SENDING STATE SHALL BE ALLOWED TO  
6 TRANSPORT PRISONERS BEING RETAKEN THROUGH ANY STATE THAT IS A PARTY TO THE  
7 INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS, WITHOUT  
8 INTERFERENCE.

9 31-467.06. Supervision fee; deposit

10 A. A PERSON BEING SUPERVISED IN THIS STATE PURSUANT TO THIS ARTICLE  
11 SHALL PAY, AS A CONDITION OF PROBATION OR PAROLE, A MONTHLY SUPERVISION FEE  
12 OF AT LEAST FIFTY DOLLARS UNLESS, AFTER DETERMINING THE INABILITY OF THE  
13 PERSON TO PAY THE FEE, THE SUPERVISING AGENCY REQUIRES PAYMENT OF A LESSER  
14 AMOUNT. THE SUPERVISING PAROLE OR PROBATION OFFICER SHALL MONITOR THE  
15 COLLECTION OF THE FEE.

16 B. SEVENTY PER CENT OF THE MONIES COLLECTED PURSUANT TO THIS SECTION  
17 SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE VICTIM  
18 COMPENSATION AND ASSISTANCE FUND ESTABLISHED BY SECTION 41-2407 AND THIRTY  
19 PER CENT SHALL BE DEPOSITED IN THE ADULT PROBATION SERVICES FUND ESTABLISHED  
20 BY SECTION 12-267.

21 Sec. 4. Section 41-2407, Arizona Revised Statutes, is amended to read:

22 41-2407. Victim compensation and assistance fund; subrogation

23 A. The victim compensation and assistance fund is established. The  
24 Arizona criminal justice commission shall administer the fund. The victim  
25 compensation and assistance fund shall consist of victim compensation monies  
26 collected pursuant to section 12-116.01 and distributed pursuant to section  
27 41-2401, subsection D, paragraph 14, victim assistance monies collected  
28 pursuant to section 31-411, subsection E, section 31-418 and section ~~31-466,~~  
29 ~~subsection A~~ 31-467.06, unclaimed victim restitution monies pursuant to  
30 section 44-313 and monies available from any other source.

31 B. Subject to legislative appropriation, the Arizona criminal justice  
32 commission shall allocate monies in the victim compensation and assistance  
33 fund to public and private agencies for the purpose of establishing,  
34 maintaining and supporting programs that compensate and assist victims of  
35 crime. Not more than fifty per cent of the monies distributed statewide for  
36 victim assistance shall be allocated to the governmental agencies or public  
37 officers specified in section 41-2404, subsection A and to the governmental  
38 agencies or public officers specified in section 41-2404, subsection B.

39 C. The allocation of monies pursuant to this section shall be made in  
40 accordance with rules adopted by the Arizona criminal justice commission  
41 pursuant to section 41-2405, subsection A, paragraph 8.

42 D. If a victim of crime receives monies from the fund as a result of  
43 a criminal offense committed against the victim by a third party, the fund  
44 is subrogated to the rights of the victim against the third party to the  
45 extent of the monies the victim receives from the fund.

1       Sec. 5. Intent regarding interstate compact for the supervision  
2               of parolees and probationers

3       A. The interstate compact for the supervision of adult offenders,  
4 section 31-467, Arizona Revised Statutes, is enacted to supersede, when it  
5 takes effect pursuant to the terms of article XI of the interstate compact  
6 for the supervision of adult offenders, the interstate compact for the  
7 supervision of parolees and probationers, section 31-461, Arizona Revised  
8 Statutes.

9       B. The state compact administrator shall notify in writing the  
10 governor, the president of the senate, the speaker of the house of  
11 representatives and the executive director of the legislative council when  
12 the interstate compact takes effect pursuant to the terms of article XI of  
13 the compact for the supervision of adult offenders.

APPROVED BY THE GOVERNOR MAY 30, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 30, 2002.

Passed the House April 4, 2002,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate May 14, 2002,

by the following vote: 21 Ayes,

1 Nays, 8 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

H.B. 2338

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 30, 2002,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

Jake Elube  
Speaker of the House  
Norman L. Moore  
Pro Tempore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21 day of May, 2002

at 8:13 o'clock A M.

Sandra Gray  
Secretary to the Governor

Approved this 30 day of

May, 2002,

at 2:30 o'clock P M.

Jan V. Lee  
Governor of Arizona

H.B. 2338

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30 day of May, 2002,

at 3:49 o'clock P M.

Betsy Bayless  
Secretary of State